

**REMARKS/ARGUMENTS**

The present application contains claims 1 and 5. Claim 3 has been cancelled and its limitations have been added to main claim 1. Claim 7 has been cancelled and its limitations have been added to main claim 5. Claims 2, 3, 4, and 6 through 19 have been cancelled, claims 4, 8, 11-17 having been cancelled by way of a previous amendment.

Making reference to the Office Action Summary, it is noted that a three-month response period has been set for responding to the Office Action. It is submitted that this amendment has been timely filed.

It is noted that the rejection set forth in the Final Action dated February 21, 2008 has been withdrawn based on the amendment filed May 5, 2008 and the telephone interview conducted April 15, 2008 and that a new rejection has been set forth, as recited below.

**Claim Rejections - 35 U.S.C. §102**

Making reference to the Detailed Action, claims 1-3, 5-7, 9-10, and 18 have been rejected under 35 U.S.C. §102(e) as anticipated by Niikawa, (U.S. Patent No. 6,819,355) (hereinafter, "Niikawa"). Claims 2, 6, 9, 10 and 18 having been cancelled without prejudice to Applicant in order to expedite the prosecution of the present application, and claims 3 and 7 having been cancelled and their limitations

respectively added to claims 1 and 5, this rejection is respectfully traversed as regards amended claims 1 and 5.

The Examiner has rejected claim 3, the limitations of which have been incorporated into claim 1 stating that "...and when the controller sets the second photographing mode, each time one of said photographing conditions is set through the external apparatus operator, the controller allows the camera to photograph based on the photographing conditions (shutter button c9, see Col. 7, Line 16) including the set photographing condition receive obtained image data (Fig. 11, S138), and control the display unit to display the image data (S1311)."

It is important to note that "photographing conditions" recited in the above limitation taken from claim 3 identifies those conditions which are set to the camera in order to reflect the photographer's imaging intention for creating the image of an object, such as exposure mode, aperture scale, shutter speed, exposure compensation, ISO speed, etc., as described, for example, in the present Published pending Application No 2004/0223057, found at paragraph [0062] and shown in Fig. 5. It is submitted that Niikawa neither describes nor remotely suggests anything that corresponds to this constitution.

In Niikawa, when a digital camera mode setting is performed at the computer side, the computer sends a display image request signal to the digital camera and the digital camera, responsive thereto, sends the image displayed in the

digital camera to the computer (see Col. 7, Lines 33-49 and Fig. 7, steps S902, S91 and S92) whereby the image displayed on the display of the digital camera is continuously displayed on the display at the computer side (see Col. 7, Lines 50-59 and Fig. 7, steps S903 and S904). In the present application, and in accordance with the limitations of claim 3, now integrated in amended claim 1, each time one of the photographing conditions is set by the external apparatus operation unit (see steps S23 and S24 in Fig. 3A of the present application), the camera is instructed by the PC to photograph based on the set photographing condition (see step S25 of Fig. 3A), and the photographed image data received by the PC for display on the display of the external apparatus (see steps S26 and S27 of Fig. 3A). This novel arrangement is clearly different from that taught by Niikawa in which the image being displayed at the display of the digital camera is continuously displayed. In addition, Niikawa neither teaches nor remotely suggests a system in which the camera is caused to photograph each time a photographing condition is set by the external apparatus.

The backlight on/off selection is not a photographing condition. Turning off the backlight in the camera saves battery power and does not affect the image. The photographing/reproduction selection is not a photographing condition. Although the Niikawa specification, in the paragraph at lines 11-25 of column 7 states that "clicking keys in the driver window 1002 using a mouse, the user can manipulate

the camera," the specification is totally silent as to what happens in either the camera or the PC when the "keys" are "clicked."

Claim 1, as amended to incorporate the limitations of claim 3, now recites, in the second photographing mode, each time one of said photographing conditions is received from the external apparatus, a picture is taken based on photographing conditions including the received photographing condition, and an obtained image data is transmitted to the external apparatus.

These novel features are neither taught nor remotely suggested by Niikawa.

As set forth above, the Examiner has made reference to shutter button c9 in Col 7, Line 16. However, there is no teaching in the passage referred to by the Examiner nor in any of the other text of the specification in which an image is photographed responsive to a change in or a setting of a photographing condition. There is neither teaching nor remote suggestion in Niikawa that describes the photographing conditions set forth above and recited in paragraph [0062] of Applicant's Published pending Application No. 2004/0223057 nor is there any teaching of the camera taking a picture responsive to a change of one of such "photographing conditions."

For these reasons, it is submitted that claim 1, as amended, patentably distinguishes over Niikawa.

Regarding claim 5, which has been amended to incorporate the limitations of claim 7, now cancelled, the limitation regarding the "second photographing mode" is substantially similar to that recited in amended claim 1 and it is submitted that amended claim 5 patentably distinguishes over Niikawa for the reasons set forth above regarding amended claim 1.

Claim 5 has been amended in a manner similar to claim 1 and it is submitted that claim 5 patentably distinguishes over Hirasawa.

In view of the foregoing, it is submitted that amended claims 1 and 5 patentably distinguish over Niikawa and it is submitted that the rejection under Section 102(e) should be withdrawn.

In view of the foregoing, it is submitted that claims 1 and 5 patentably distinguish over Niikawa and reconsideration and allowance of these claims are earnestly solicited.

**Applicant:** Oura et al.  
**Application No.:** 10/725,230

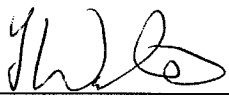
**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 and 5, are in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Oura et al.

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